

CHAPTER NO. 128

SENATE BILL NO. 1779

By Burks, Kilby

Substituted for: House Bill No. 1255

By McDonald, Phillip Johnson, Cobb, DuBois, Hensley, Campfield, Curtis Johnson, McKee, Roach, Harmon, Watson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, Part 3; Title 39, Chapter 14, Part 5; Section 41-2-123; Section 41-2-149 and Title 54, relative to litter prevention and control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. In recognition of the exorbitant societal costs associated with littering and in the interest of a cleaner, more beautiful Tennessee, the Department of Transportation is hereby authorized to establish a litter prevention and control program to be known as "Don't Trash Tennessee".

SECTION 2. The "Don't Trash Tennessee" program may include as one (1) of its components a process by which citizens can report directly to the department instances of persons littering from motor vehicles onto the state's roads and highways, whether such offenders are intentionally littering or are accidentally dropping objects or debris from an uncovered or improperly secured load. Such process may provide the capability for citizens to report litterers online by means of the completion of a standard form, such form to be accessed via the Internet from the program's Web site. The department may also make provisions for citizens to report litterers via e-mail and a toll-free telephone line.

SECTION 3. When reporting litterers to the department, whether via Internet, e-mail or telephone, citizens shall provide the following information, at a minimum:

- (1) The offender's motor vehicle registration number (Tennessee plates only);
- (2) The make and model of the offender's motor vehicle;
- (3) The date and time of day the littering offense occurred;
- (4) The approximate location at which the littering offense occurred;
- (5) The person or entity who committed the littering offense, whether driver, passenger or accidental discharge from a load; and
- (6) The item or items improperly discharged from the motor vehicle that are the basis for the littering offense.

Litter reports, whether made via Internet, e-mail or telephone, shall be deemed confidential. Neither the identity of the person making such report nor the specific information compiled in such report shall be available to any person other than an official or employee of the Department of Transportation having responsibility in the administration and enforcement of the program.

SECTION 4. Upon receipt of the information required by Section 3, the department may verify the reported motor vehicle registration number through the Department of Safety. Upon completing such verification, if possible, the Department of Transportation may mail a letter to the owner or lessee of the motor vehicle at the address affiliated with such registration number. Such letter may inform the owner or lessee of the motor vehicle that a concerned citizen has reported witnessing the commission of a littering offense from such motor vehicle. Such letter may strongly discourage the owner or lessee from committing a subsequent littering offense or allowing a subsequent littering offense to be committed from such person's motor vehicle and warn the owner or lessee of the penalties for littering under Tennessee law.

SECTION 5. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

SECTION 6. The commissioner of transportation is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 25, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 4th day of May 2005


PHIL BREDESEN, GOVERNOR